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Attorneys for Defendant
SEARIVER MARITIME, INC.

UNITED STATES DISTRICT COURT

FOR THE NORTHERN DISTRICT OF CALIFORNIA

ALVIN DILES,) Case No.: C 05 01914 MHP
)
 Plaintiff,)
vs.) **STIPULATION AND REQUEST FOR**
) **ORDER EXTENDING MEDIATION**
) **DEADLINE; [PROPOSED] ORDER**
SEARIVER MARITIME, INC.,) **THEREON**
)
)
 Defendant.)
)
)
)

Plaintiff ALVIN DILES and defendant SEARIVER MARITIME, INC., by and through their respective counsel of record, hereby stipulate to, and respectfully request the Court extend the deadline for mediation and continue the presently set status conference for the reasons set forth below.

Mediation in this case is currently scheduled for March 15, 2006, and a further status conference is currently set for April 17, 2006. The parties had previously reported to the Court that to have a productive mediation, it was important to have a vessel inspection by plaintiff, for defendant to depose the plaintiff, and to engage in certain other discovery, including the production and review of medical records and other documents and information as between the parties.

1 Plaintiff and defendant earlier contemplated and reported to the Court that this discovery could be
2 completed in time to conduct the mediation in mid-March, 2006.

3 The subject vessel, the S/R GALENA BAY, is not available on the West Coast. The
4 itinerary of the vessel found it in Texas and Florida during the period mid-February 2006 through
5 the end of March 2006. It has not reasonably been possible to arrange for and conduct the vessel
6 inspection up to now. An inspection will occur in the latter part of this month. The inspection is
7 necessary in order for plaintiff to properly evaluate the case for mediation.

8 It has not heretofore been possible to schedule the deposition of plaintiff until such time as
9 all medical records pertaining to plaintiff's treatment were received and evaluated. That has now
10 been accomplished. Plaintiff's deposition can now be scheduled, but cannot reasonably be
11 scheduled until the latter part of March, 2006 or early April 2006. The deposition of plaintiff is
12 considered necessary for defendant's evaluation of the case for mediation.

13 The parties have exchanged disclosures pursuant to Rule 26(a) and have conducted written
14 discovery. Review of that material has led both parties to determine that further production of
15 documents and exchange of information, including additional information regarding plaintiff's
16 damage claims, is essential to a fair case evaluation. The parties expect this discovery to be
17 accomplished by mid-April 2006. Plaintiff may also take the deposition of one or two employees of
18 defendant prior to the mediation.

19 The parties' counsel have conferred with the Court-appointed mediator, Mark H. Penskar,
20 Esq., regarding the foregoing matters and the proposal for continuing the mediation to a date on or
21 after April 20, 2006. By reason of Mr. Penskar's calendar and that of defendant's General Counsel,
22 who will attend the mediation, the mediation could not be scheduled with Mr. Penskar until mid-
23 May 2006. Plaintiff wishes to return to sea before then and therefore prefers an earlier mediation
24 date. The parties have therefore agreed to select a new mediator, the Honorable Alfred Chiantelli
25 (Ret.), who is able to conduct the mediation on April 24, 2006. The Court's ADR Unit has been
26 advised of this proposed change of mediators and has approved it.

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Consequently, the parties hereby stipulate and respectfully request this Honorable Court order that the deadline for completing mediation in this case be extended to April 25, 2006 and further, that the Court continue the case management conference from April 17, 2006 to May 10, 2006 or to such other date thereafter that is convenient to the Court.

SO STIPULATED:

Dated:

STERLING & CLACK

By: s/Rex M. Clack
Rex M. Clack
Attorneys for Defendant
SEARIVER MARITIME, INC.

Dated:

BERSCHLER ASSOCIATES, PC

By: _____ s/Arnold I. Berschler
Arnold I. Berschler
Attorneys for Plaintiff
ALVIN DILES

Rex M. Clack attests that concurrence in the filing of this document has been obtained from each of the other signatories identified herein.

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ORDER

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7 Upon review and consideration of the foregoing stipulation, and good cause appearing
8 therefor,

9 IT IS HEREBY ORDERED:

- 10 1. The deadline to complete mediation in this case is extended to and including
11 April 25, 2006; June 5th,
12 2. The case management conference now set for April 17, 2006 is continued to May __,
13 2006 at 3:00 p.m.; and
14 3. A further Joint Case Management Statement shall be filed by the parties no later than
15 May 30, 2006.

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17 Dated: March 22, 2006k

18 c:300095/P/StipExtendMed&[Prop]Order



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